

SENATE BILL NO. 418

INTRODUCED BY D. GRIMES

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF PUBLIC EDUCATION TO ADOPT RULES REQUIRING THE TEACHING OF SEXUAL ABSTINENCE UNTIL MARRIAGE; AND SUPERSEDING THE UNFUNDED MANDATE LAWS."

WHEREAS, information from the Centers for Disease Control and Prevention shows that about 1 million teenage girls become pregnant each year, that number being the highest teenage pregnancy rate in all of the developed countries of the world; and

WHEREAS, that information estimates that public costs from teenage childbearing totaled \$120 billion from 1985 to 1990 and that \$48 billion could have been saved if each birth had been postponed until the mother was at least 20 years of age; and

WHEREAS, the percentage of Montana teenage nonmarital births, compared to all teenage births, rose from 46% in 1981 to 80% in 1999; and

WHEREAS, according to the Montana Department of Public Health and Human Services, 993 out-of-wedlock teenage live births were reported in 1999, the average cost to Montana for a mother and child receiving several kinds of public assistance was \$14,341 for the first year of receipt of that assistance, and one-half of Medicaid's costliest babies in fiscal year 1994 were babies of teenage mothers, at a cost of \$1,307,366; and

WHEREAS, since the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which included the Separate Program for Abstinence Education, enacted as section 510 of Title V of the Social Security Act, education that teaches sexual abstinence until marriage has become a part of the national strategy to reduce teenage pregnancy and childrearing; and

WHEREAS, the United States has the highest rates of sexually transmitted diseases (STDs) of any country in the industrialized world, and a conservative estimate of the direct medical costs of STD treatment for all estimated cases in the United States each year is at least \$8.4 billion, according to the American Social Health Association and the Kaiser Family Foundation, and this cost does not include nonmedical indirect costs, such as lost wages and productivity (due to illness), out-of-pocket costs, or costs related to transmission of STDs to infants; and

WHEREAS, by age 24, at least one in three sexually active people is estimated to have contracted an STD, with about one-quarter of all new STD cases occurring in teens 15 to 19 years of age, according to the American Social Health Association and the Kaiser Family Foundation; and

WHEREAS, there is currently no requirement for the public schools in Montana to teach sexual abstinence until marriage as part of an overall state strategy to prevent teenage pregnancies, STDs, and the resulting financial and human costs; and

WHEREAS, it is appropriate for the Board of Public Education to adopt rules requiring that public schools teach sexual abstinence until marriage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Board to adopt curriculum requirements for teaching of sexual abstinence until marriage.

(1) The board of public education shall establish curriculum requirements for use in age-appropriate Montana public schools that include instruction relating to sexual activity and that teach:

- (a) sexual abstinence until marriage and fidelity after marriage;
 - (b) the social, psychological, and health gains to be realized by sexual abstinence until marriage;
 - (c) personal skills that encourage and support the individual choice of sexual abstinence until marriage and fidelity after marriage;
 - (d) the consequences of premarital sexual activities for adolescents with respect to pregnancy, acquired immunodeficiency syndrome, human immunodeficiency virus, and other sexually transmitted diseases (STDs), and criminal conduct;
 - (e) laws relating to support of children born outside of marriage and the criminal laws relating to sexual intercourse;
 - (f) directive character education that promotes honesty; temperance; morality; courtesy; respect for self, parents, and others; and obedience to law; and
 - (g) medically accurate information and statistics based on the latest medical information that cites the failure and success rates, including the theoretical and actual effectiveness rates, of each contraceptive method in preventing pregnancy and STDs.
- (2) In adopting the curriculum requirements, the board of public education shall consider:
- (a) the design of successful programs teaching sexual abstinence until marriage; and

1 (b) sexual abstinence until marriage education recommendations of the department of public health
2 and human services and the governor's abstinence education advisory council.

3 (3) As used in this section, "sexual abstinence until marriage" means refraining until marriage from
4 genital contact or sexual stimulation, including but not limited to intercourse, oral sex, anal sex, and mutual
5 masturbation, as the only 100% effective means of preventing pregnancy and the spread of STDs.

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7 NEW SECTION. **Section 2. Unfunded mandate laws superseded.** The provisions of [this act]
8 expressly supersede and modify the requirements of 1-2-112 through 1-2-116.

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10 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
11 integral part of Title 20, chapter 7, and the provisions of Title 20, chapter 7, apply to [section 1].

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